

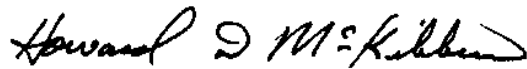
1 term of life imprisonment pursuant to 18 U.S.C. § 3559(c) and thus
2 is not entitled to be resentenced under § 3559(c)(7). See *United*
3 *States v. Sullivan*, 2005 WL 2090236, at *1 (11th Cir. 2005)
4 (unpublished disposition). Second, even if § 3559(c)(7) were
5 applicable to his case, defendant has not established that his
6 prior convictions have been declared unconstitutional or vitiated
7 explicitly on the basis of innocence, or that he has been pardoned
8 on the explicit basis of innocence.

9 Nor has defendant established any basis for reconsidering his
10 career offender status under U.S.S.G. § 4B1.1, even assuming the
11 court has the authority to do so. Proposition 47 did not impact
12 defendant's prior convictions under California Penal Code § 459
13 listed in paragraphs 30 and 31 of the Presentence Report. See
14 Proposition 47, 2014 Cal. Legis. Serv. Prop. 47; Doc. #69 (Court's
15 Order Dated Mar. 16, 2009, at 3-6); Doc. #83 (Mot. 3-4).

16 In accordance with the foregoing, defendant's "Motion for
17 Relief and or Judgment" (#83) is **DENIED**.

18 **IT IS SO ORDERED.**

19 DATED: This 10th day of April, 2015.

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21 UNITED STATES DISTRICT JUDGE
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